Previous references.

B·33-03-04·881-2

1910-11

(Gen. Dn)

File No. 203-10

Serial Nos. 1-2

Later references.

F March 1912 80·3

G.F.203-10.

GENERAL AND REVENUE SECRETARIAT.

P.11(E)

Serial Nos. 1-2

Part B. for January 1911

SUBJECT.

Regarding the production of a Succession Certificate to repay Savings Bank Deposits in excess of Rs 1000/- due to a deceased depositor.

1. From the Comptroller No. 2935/a-c-379 d. 14.11.10

Requesting orders whether the production of a Succession Certificate by a Mysore Court should invariably be insisted upon by a Treasury Officer, when ever he has ~~made Sanction~~ under S.B account to make repayment of deposit made in excess of Rs.1000/- or a Certificate granted by any Court in British India be deemed sufficient for such purposes.

2 ~~G. R. S. 58~~ To the Comptroller No. RE 3791 d. 16.1.11

States that the object of a Succession Certificate being to obtain a legal discharge for payments made, a certificate by a Court of competent jurisdiction should always be insisted upon by a

G.R.S. 11] 1910-11

GENERAL AND REVENUE SECRETARIAT.

(Cyeal Tin)

NOTES.

File No. 203-10

FILE HEADING.

Production of a Succession Certificate to make payment of Savings Bank deposit in excess of Rs 1000/-

From

The Comptroller

No. 2735 A.C 379 Dated 14-11-10 Received

Diary No. 2020	Enclos.	Spare Copies	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests orders whether the production of Certificate by a Magistrate Court should invariably be insisted upon by a Treasury officer whenever he has under S.B act to make payment of deposit in excess of Rs 1000/ or a Certificate granted by any Court in British India be deemed sufficient for such purposes

NOTES AND ORDERS.

1. one C Krishnappa Gowda, a Contractor, had Rs 1745-12-0 lodged in the S. Bank, as security deposit for the due fulfilment of his Contracts of the Remount depot, Mallapuri. on his death, C. Munisawmi Gowda, as the constituted

NOTES—First sheet

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Serial No.

L

constituted guardian of Arasamma, the minor daughter of the deceased depositor, withdrew the above amt with interest thereon, after producing a succession certificate granted by the Dt judge of Salem. This is objected to by the Comptroller, as Govt in their order No. H.781 of 8-9-1903 directed that the production of a certificate from a Court in Mysore be insisted upon, whenever there is a claim put forth for the bonus of a deceased ~~insurer~~ person who has insured his life.

But whether there is any distinction between a bonus and a mere security deposit is a point for consideration.

This may be sent to Branch III. for favour of opinion.

Submitted.

BSG 6/12 138 2. It is not known how, as held in the G.O of the 8th September 1903, the place of Death is of no importance. In fact it is the place of death wh determines the place of jurisdiction, where application has to be made under the Succession Certificate ordinary residence at the time of

NOTE—Contn. sheet.

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Act. But perhaps some difficulty there will be in a case like the one referred to by the Comptroller, where the property ~~is~~ or debt is in one State and the death takes place in another state. Please put up the Succession Certificate Regn.

wl-5
6/12/10

The Regn is put up.
BSP
7/12

3 Please see section 5 of the Succession Certificate Regn. ordinarily the Court whose certificate is required is that of the place where the deceased "ordinarily resided at the time of his death". ~~Of~~ ~~the~~ He has no fixed place of residence when the place where he possesses any property determines the jurisdiction. So it seems doubtful if the mysore Court will entertain an application for certificate in a case, where the deceased had an ordinary place of residence and that place was outside mysore.

4 As has been pointed out by Mr Srinivasaiyengar late Counsellor in the reference file put up, the place where the liability may be enforced being mysore, it will not be safe to

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accept a British Court Certificate
But as pointed out above the question
is if a Mysore Dt Court has
jurisdiction in a case like the one under
discussion.

Branch III may be consulted.

mk-S
10/12/10

5. Is it a matter of common Experience that the Insurance Companies and other firms dealing in Stocks & Shares do not accept the Certificate of Mysore Courts as Valid and they require a separate one from the British Courts. While this is to Mysore Investors it is necessary to recognise Certificates granted by British Courts to collect debts due in Mysore.

J Nov 11

6. To Draft for favour of opinion

10/12/10

Recd 13/12/10

Subd SW 13/12

7 The object of obtaining or assisting a Certificate of Succession is to obtain a legal discharge for payments made. Such a legal discharge

NOTE—Contn. sheet.

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G. R. S. 12]
General and Revenue Secretariat.

G1 Dev. File No. 203 of 19 10

Serial No.

Can be had only if payment is made to a person who holds a certificate issued by a competent Court in Ulysse

To Bo II

SD

13/12/10.

Subd.

md 13/12/10 S Draft as above

L 18.12.10.

Draft Submitted.

Bgg 138 19/12.

Please ship clean draft Earl

L 19.12.10

md 21/12/10

Submitted with a clear draft.

Bgg 138 19/12

md 21/12/10 Tilsea)

L 19.12.10.

9. Vide Minutes

MJ 20/12

L 20.12.10.

94-05 20.12.10

Dewan)

Draft approved by Dewan

JLJ 9/1/11

Issue SB 10/1/11 L

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

File No. 203 of 1910

Serial No.	
2	To the Comptroller No. ZC 3791 of 16-1-11 states that the object of a certificate of Succession being to obtain a legal discharge for payments made, a Certificate issued by a Court of Competent jurisdiction should always be insisted on by a Treasury officer.

NOTE—Contn. sheet.

GPB—50,000—12-8-10

(1

II 18/11 Secy)

It is requested that in future communications on the subject, the No. and date of this letter, and the distinguishing letters below the number as given opposite, may be quoted.

No. 2935 / A.C 379

OFFICE OF THE COMPTROLLER, MYSORE GOVERNMENT,

Dated Bangalore, the 14th November 1910

FROM

J. S. CHAKRAVARTI, ESQ., M.A., F.R.A.S., etc,.
Comptroller to the Govt. of
His Highness the Maharaja of Mysore.

To

C.S. Balasundaram Iyer Esq., B.A.,
0889 *Secretary to the Government of Mysore,*
General and Revenue *Departments*

SIR,

I have the honor to state that in the course of the examination of the Savings Bank Accounts of the Bangalore District Treasury for March 1910, it was noticed that one C.Krishnappa Gowda, a contractor, had on his death on 24th September 1909 left behind in his Savings Bank Account No.6307 a sum of Rupees 1,745-12-0 which had been lodged by him as security deposit for the due fulfilment of his contracts of the Remount Depot, Hattagiri, for the official year 1909-'10 and that one C.Munisawmi Gowda had, as the constituted guardian of Arasamma, the minor daughter of the deceased depositor, withdrawn the above amount with interest thereon from the said account and closed the same.

As under section 4 of the Government Savings Banks Act, 1873, a Treasury Officer cannot pay to a claimant any deposit exceeding Rs.1,000/- left by a deceased depositor in a Government Savings Bank without the production of a certificate therein referred to, this office requested the Treasury Officer, Bangalore, to forward for reference copies of his correspondence with the Superintendent, Remount Depot, and of the papers connected with

the

....Department.

190

From

J. S. CHAKRAVARTI, Esq.,
M.A., F.R.A.S., etc.,
Comptroller to the Govt. of
H. H. the Maharaja of Mysore.

To

....Esq.,
Secretary to the Govt of Mysore,
....*Dept.*

Dated

Despatched 16-11-10

Received

No. 2935
etc. 379

Subject Matter.

Requesting to place the matter re. S.B. account of the Bangalore Dist. Treasury before Govt. & obtain early orders.

GPB—1,000—26-7-08

the payment of the deposit amount to C.Munisawmi Gowda.

The Treasury Officer thereupon furnished this office with a copy of the letter addressed to him by the Superintendent, Remount Depot, and of the succession certificate granted to C.Munisawmi Gowda by the District Judge of Salem.

Certain policy-holders of the Mysore State Life Insurance having died outside the Province, their claimants applied for the bonuses due to them on production of succession certificates granted to them by the District Judges of South Canara and Coimbatore.

On a representation made by the Secretary to the Mysore State Life Insurance Committee, the Government directed in their order No.Fl:781 of 8th September 1903, that, the place of death of the insured being considered immaterial, the production of certificates from a Court in Mysore be insisted upon.

On the same analogy, objection was taken by this office to the payment of the deposit amount on the strength of the certificate granted by the District Judge of Salem.

In reply to the objection, the Treasury Officer has stated that, as the amount of deposit was a security deposit, he allowed the payment of the same on the recommendation of the Superintendent, Remount Depot. But such recommendation should not have been regarded as anything more than a formal declaration on the part of the Superintendent that the deposit amount having been set free from security, there was no objection to the same being paid away to the guardian.

It is therefore a point for orders whether the production of a certificate by a Mysore Court should invariably be insisted upon by a Treasury Officer whenever he has, under the Savings Banks Act referred to above, to make payment of deposit in excess of Rs.1,000/- just as in the cases mentioned in the Government Order of 8th September '03, or a certificate granted by any Court in British India be deemed sufficient for such purposes.

As there appears to be no definite ruling of Government on the subject, I request that you will be so good as to place the matter before Government and obtain their early orders thereon.

I have the honor to be,

Sir,

Your most obedient servant,

Comptroller.

V.U.C

4-1-11

1½

clear draft

(3)

G.R.S. 26]

File No. 203-

Serial No. 2

Diary No. of letter replied to 2020

No. H 3791

8/16-7-1911

General and Revenue Secretariat

(G. F.)

the *19* .

To

The Comptroller

Sir

Date of issue 16-7-1911

Signed by W L Narasimhan

With reference to your letter No 2935 A.c 379 8/14-11-1 regarding the production of a succession certificate to repay Savings Bank Deposits in excess of Rs 1000/- due to a deceased depositor I am directed to state that the very object of obtaining a certificate of succession, ~~issued by a~~ from ~~Court of Competent jurisdicti~~

over. Sir

SUBJECT.

4

~~an obligation~~ is to obtain
a legal discharge for
payments made, an answer a certificate issued by a Court
should always be insisted
on by Treasury officers.
2 In the present case the learning Officer
I have fi (not named in
your letter) has
simply made
a mistake
in not insisting
on such a certificate
but something worse
in trying to profit himself
~~by the way~~ by the reason one advanced
in para 7 of your letter
(paragraphs numbered here).

competent jurisdiction in Mysore

fl sect
4/9.11.10

md i
19.11.10

fl 38
1/11

9 Jan 11

List of enclosures.

Copied by M Lakshmana Rao 13/1/11

Examined by

GPB—20,000—12-8-10